

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 7778 OF 2005

Rajekhan Sardar Mulani
and Ors.

.. Applicants

Vs.

State of Maharashtra

.. Respondent

Mr. S.D. Dharmadhikari for applicants.
Mr. R.Y. Mirza, APP for respondent.

CORAM: S.C. DHARMADHIKARI, J.

Date : December 07, 2005.

P.C.:

1. Heard Mr. Dharmadhikari for the applicants and Mr. Mirza, APP, for the respondent-State.

2. Two bail applications preferred by these applicants herein, one before the charge-sheet was filed and second thereafter, have been rightly rejected by the Sessions Court. This is not the stage to find out as to whether absence of the name of the applicants in the first dying declaration but subsequently including all of them would entail conviction and punishment under Section 302 of IPC.

Prima facie, the charge is serious in as much as it is alleged that the deceased was tied and set on fire by the applicants herein. The seriousness of the charge does not deserve enlargement of the applicants on bail.

3. Hence, this application is rejected. Considering that the applicants and at least two of them are beyond the age of 50 years, the trial court should endeavour to dispose off the matter expeditiously.

(S.C. Dharmadhikari, J)